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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,318	06/27/2003	Seng Chan	IS01243ESG	8003
20280	7590	11/02/2006	EXAMINER	
MOTOROLA INC 600 NORTH US HIGHWAY 45 ROOM AS437 LIBERTYVILLE, IL 60048-5343			CREPEAU, JONATHAN	
			ART UNIT	PAPER NUMBER
			1745	

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/608,318

Applicant(s)

CHAN ET AL.

Examiner

Jonathan S. Crepeau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Office action addresses claims 1-15. The claims are newly rejected under 35 USC 103 as necessitated by amendment. Further, claim 15 is newly rejected under 35 USC 112, first paragraph. Accordingly, this action is made final.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 15 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 15 has been amended to recite "a plastic having minimal vapor emissions during a welding process." It is submitted that this recitation constitutes new matter into the application. Paragraph [0022] of the publication of the instant application discloses that "[a] preferred plastic is Noryl GTX 830. Noryl GTX 830, while more expensive than other plastics, is preferred due to its reduced vapor emissions during the parallel welding process." This disclosure implies that the only plastic contemplated as having "reduced vapor emissions" was Noryl GTX 830.

However, the new claim language encompasses *any* plastic having minimal vapor emissions, which is not believed to be supported by the above-cited disclosure. As such, the new language is considered to constitute new matter into the application.

Claim Rejections - 35 USC § 103

4. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being obvious over Mejia (U.S. Patent 4,347,294).

The reference is directed to a storage battery assembly. The assembly comprises an electrically conductive interconnect member comprising a metal tab (11), two side bends projecting beneath the metal tab, and two lances (members going through holes 16) (see Figure 1). A housing of the interconnect member is comprised of a post (9) and a rail perpendicular to the post.

However, the reference does not expressly teach that the side bend of the tab comprises a cut out (claim 4), or that the outer surfaces of the Y-shaped housing comprise concave surfaces (claim 7). The reference further does not expressly teach that the post couples to the lance when the lance is bent downward toward the housing, as recited in claim 1.

However, the invention as a whole would have been obvious to one of ordinary skill in the art at the time the invention was made because the artisan would be motivated to use a lance structure that is capable of being bent downward, as recited in claim 1. At column 3, line 64, Mejia teaches that "holes 16 are provided in the lug 10 through which fastening means may be

inserted to fit the sub 10 in place relative to the T-ribs 9.” The artisan would be sufficiently skilled to select an appropriate fastening means, such as screws or brads, having soft tips capable of being bent downward. Thus, the claim language reciting “a post for coupling to the at least one lance when the at least one lance is bent downward toward the housing” would be met by the reference.

Further, regarding claims 4 and 7, the claimed limitations represent changes in shape of the apparatus of Mejia. Generally, such changes in shape are not considered to patentably distinguish over a reference unless a new or unexpected result is shown (MPEP 2144.04). As such, the claimed subject matter is rendered obvious by Mejia.

5. Claims 11-15 are rejected under 35 U.S.C. 103(a) as being obvious over Maggert (U.S. Patent 6,724,170) in view of Mejia.

Maggert is directed to an interconnect system for rechargeable computer batteries. Interconnects (202) comprised of a plastic housing and a slidable metal tab are disposed between cells and are electrically connected to flexible metal tabs.

However, Maggert et al. do not expressly teach that the slidable metal tab has bent edges or a lance, or that the housing has a post and rail as recited in claim 1.

As set forth above, Mejia teaches or at least fairly suggests an interconnect structure having the claimed elements.

Therefore, the invention as a whole would have been obvious to one of ordinary skill in the art at the time the invention was made because the artisan would be motivated to incorporate the structure of the interconnector of Mejia into the interconnector of Maggert et al. The artisan would see that the structure of Mejia provides for increased structural support and an ability to “lock” the interconnector into place. As such a characteristic would also be desirable in the interconnector of Maggert et al., the artisan would be motivated to modify the Maggert interconnector to include the configuration of Mejia.

Double Patenting

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7. Claims 1-15 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-10 of U.S. Patent No. 6,724,170 in view of Mejia. The Mejia reference is applied for the reasons stated above, and as such, the instant claims define an obvious variant of the '170 patent claims.

Response to Arguments

8. Applicant's arguments filed September 15, 2006 have been fully considered but they are not persuasive. Applicant's arguments regarding the "lance" and "post" limitations in the instant claims have been considered, but the claim language in claims 1 and 11 is still not considered to patentably distinguish over the Mejia and Maggert references for the reasons stated above. Further, Applicant's argument that claim 4 distinguishes over the reference has been considered but is not persuasive. The disclosure in the specification that the cutout speeds assembly is noted, but the structures of the prior art and the instant application do not have the same functionality. The purpose of the cutout in the instant application is to fit over the rail 400. However, the claims do not recite the relative size of the cutout, and hence it is submitted that even the use of small cutouts on the tab of Mejia which do not have the same functionality as Applicant's cutouts are sufficient to read on the claim language.

It is noted that Applicants attempt to remove the Maggert reference as prior art under 35 USC 103(c). However, Applicant's statement is not sufficient for this purpose. Applicants state, incorrectly, that "[t]he *Mejia patent* is owned by the same Assignee as the current application..."

(emphasis added). Applicants are encouraged to file another statement naming the correct reference. Such a statement would be sufficient to obviate the 35 USC 103 rejection over Maggert.

Applicants further state that “since the Examiner is actually citing two references in support of the nonstatutory obviousness-type double patenting rejection, the Examiner is in fact rejection claims 1 through 15 under 35 U.S.C. 103(a).” However, Applicants are advised that a statement of common ownership as discussed above is *not* sufficient to obviate a rejection on the grounds of obviousness-type double patenting. Such a rejection can only be obviated by filing a terminal disclaimer or appropriate amendment of the claims. See MPEP 804.

Conclusion

9. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Crepeau whose telephone number is (571) 272-1299.

The examiner can normally be reached Monday-Friday from 9:30 AM - 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan, can be reached at (571) 272-1292. The phone number for the organization where this application or proceeding is assigned is (571) 272-1700. Documents may be faxed to the central fax server at (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jonathan Crepeau
Primary Examiner
Art Unit 1745
October 31, 2006